

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

LINDA FAYE PITTMAN

22-10148-JDW

MOTION TO COMPEL TURNOVER OF PROPERTY OF THE ESTATE

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”), by and through counsel, and files this Motion to Compel Turnover of Property of the Estate (the “Motion”) and in support thereof states as follows:

1. On or about September 20, 2022, counsel for the Debtor, Sarah A. Baker (“Ms. Baker”), advised the undersigned counsel for the Trustee that the Debtor sold her homestead property located at 2016 James Street in Batesville, Mississippi (the “Homestead Property”) on or about September 13, 2022, without obtaining approval from this Court. A copy of the Warranty Deed transferring title of the Homestead Property from the Debtor to the purchaser is attached hereto and incorporated herein by reference as Exhibit “A.”

2. Further, Ms. Baker advised the undersigned counsel for the Trustee that upon information and belief, the Debtor sold the Homestead Property for \$173,499.00, and the Debtor received approximately \$155,035.07 (the “Sale Proceeds”) as there were no liens against the property.

3. According to Schedule C, the Debtor claimed 100% of the fair market value up to any applicable statutory limit as exempt (Dkt. #1, Pg. 17), which would be \$75,000.00. Accordingly, from the Sale Proceeds, approximately \$80,000.00 is non-exempt (the “Non-Exempt Sale Proceeds”).

4. On or about September 20, 2022, counsel for the Trustee advised Ms. Baker, among other things, that the amount necessary to pay the Debtor’s case in full, including paying

nonpriority unsecured creditors in full, was \$34,333.00 if received by the Trustee on or before October 21, 2022 (the "Payoff Amount"). Counsel for the Trustee requested that Ms. Baker instruct the Debtor to remit the Payoff Amount to the Trustee immediately. The Debtor failed to send the Payoff Amount to the Trustee on or before October 21, 2022.

5. To date, the Debtor has failed to remit any of the Non-Exempt Sale Proceeds to the Trustee. According to paragraph ten (10) of the Motion to Withdraw as Counsel for Debtor (the "Motion to Withdraw") filed by Ms. Baker, the Debtor does not intend to turn over any of the Non-Exempt Sale Proceeds to the Trustee (Dkt. #26, Pg. 2).

6. The Non-Exempt Sale Proceeds are property of the bankruptcy estate pursuant to 11 U.S.C. §§ 541(a) and 1306(a). Therefore, pursuant to 11 U.S.C. § 542(a), the Trustee requests entry of an order of this Court compelling the Debtor to remit the Non-Exempt Sale Proceeds to the Trustee immediately.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and an opportunity for hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: October 31, 2022.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

By: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
mvardaman@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: October 31, 2022.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN



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Deed
09/15/2022 08:02:56 AM
Panola County, MS-2nd
James R Pitcock, Chancery Clerk

Panola County, MS-2nd
I certify this instrument was filed
on 09/15/2022 08:02:56 AM
and recorded in the
Deed
Book 2022 Page 3529 - 3531
James R Pitcock, Chancery Clerk

patricia thompson

PREPARED BY:

BYRNE & ASSOCIATES, PLLC
Ryan E. Byrne, Esq.
MS BAR #9800

1326 Hardwood Trail
Cordova, TN 38016
Office: 901-737-2911

51 N. Cooper St.
Memphis, TN 38104
Office: 901-572-1419

404 Galleria Ln, Ste 1
Oxford, MS 38655
Office: 662-238-7773

5960 Getwell Rd, Ste 113
Southaven, MS 38672
Office: 662-300-6550

File No. SH-2208-21

RETURN TO:

INDEXING INSTRUCTIONS: The North 133 feet of Lot 76 of the Park View Subdivision in the City of Batesville, Mississippi, as shown by the Official Plat of said subdivision on file at the office of the Chancery Clerk of Panola County, Mississippi, in Batesville.

WARRANTY DEED

GRANTOR:
Linda Pittman
206 James Street
Batesville, MS 38606
Phone: (662) 934-6021

GRANTEE:
Jennifer Crump-Butler
206 James Street
Batesville, MS 38606
Phone: (901) 417-1986

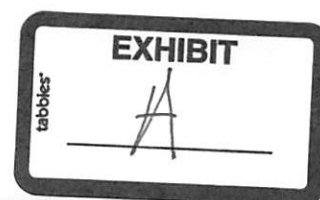
THIS INDENTURE, made and entered into this 13th day of September, 2022, by and between Linda Pittman, an unmarried woman, party of the first part, Jennifer Crump-Butler, party of the second part,

WITNESSETH: This for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said parties of the first part have bargained and sold and do hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the County of Panola, State of Mississippi.

The North 133 feet of Lot 76 of the Park View Subdivision in the City of Batesville, Mississippi, as shown by the Official Plat of said subdivision on file at the office of the Chancery Clerk of Panola County, Mississippi, in Batesville.

Property Address: 206 James Street, Batesville, MS 38606
Parcel No.: 3182M0002500 0006600

Said property is transferred subject to the limitations, restrictions, and encumbrances set forth as follows: Road rights of way, public, utility and/or private easements, and zoning, subdivision, and health department regulations of the Batesville and Panola County, Mississippi, and covenants, limitations, and restrictions as shown on any plat of record for and to the Property; and further subject to all applicable restrictions and protective covenants of record.



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Deed
09/15/2022 08:02:56 AM

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estates, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR further covenants and binds itself, its successors and assigns to warrant and forever defend the title to said real estate to GRANTEE, its successors and assigns, against the lawful claims of all persons.

Taxes for the current year were prorated/assumed by Grantee and possession is being given with this deed.

Wherever used, the singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

In testimony whereof I/we have hereunto set my/our hand(s) this 12th day of September, 2022

Linda Pittman
Linda Pittman

State of Mississippi
County of DeSoto

Before me, a Notary Public in and for said County and State, duly commissioned and qualified, personally appeared Linda Pittman, to me known to the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same for the purposes therein contained as their free Act and Deed.

Witness my hand and Notarial Seal this 12th day of September, 2022

Ryan E. Byrne
Notary Public

My Commission Expires: 11-18-25

